

# PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

## PCT

NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT AND  
THE WRITTEN OPINION OF THE INTERNATIONAL  
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

To:  
Davies Collison Cave  
Level 15  
1 Nicholson Street  
MELBOURNE VIC 3000

Date of mailing  
(day/month/year) 23 MAR 2005

Applicant's or agent's file reference  
12565110/EJH/ar

FOR FURTHER ACTION See paragraphs 1 and 4 below

International application No.  
PCT/AU2005/000187

International filing date  
(day/month/year) 14 February 2005

Applicant  
THE UNIVERSITY OF QUEENSLAND et al

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.  
**Filing of amendments and statement under Article 19:**  
 The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):  
 When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.  
 Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
 1211 Geneva 20, Switzerland, Facsimile No.: +41 22 740 14 35  
 For more detailed instructions, see the notes on the accompanying sheet.
2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:  
☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.  
☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.
4. **Reminders**  
 Shortly after the expiration of 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.  
 The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.  
 Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise, the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.  
 In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.  
 See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/AU  
 AUSTRALIAN PATENT OFFICE  
 PO BOX 200, WODEN ACT 2606, AUSTRALIA  
 E-mail address: pct@ipaustalia.gov.au  
 Facsimile No. (02) 6285 3929

Authorized officer  
**CHRISTOPHER LUTON**  
 Telephone No. (02) 6283 2256

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## PCT REQUEST

Original (for SUBMISSION)

0	For receiving Office use only	
0-1	International Application No.	
0-2	International Filing Date	
0-3	Name of receiving Office and "PCT International Application"	
0-4	Form PCT/RO/101 PCT Request	
0-4-1	Prepared Using	PCT-SAFE [EASY mode] Version 3.50 (Build 0002.163)
0-5	Petition The undersigned requests that the present international application be processed according to the Patent Cooperation Treaty	
0-6	Receiving Office (specified by the applicant)	Australian Patent Office (RO/AU)
0-7	Applicant's or agent's file reference	12565110/ejh
I	Title of Invention	A THERAPEUTIC AGENT
II	Applicant	
II-1	This person is	applicant only
II-2	Applicant for	all designated States except US
II-4	Name	THE UNIVERSITY OF QUEENSLAND
II-5	Address	St Lucia, Queensland 4067 Australia
II-6	State of nationality	AU
II-7	State of residence	AU
III-1	Applicant and/or inventor	
III-1-1	This person is	applicant and inventor
III-1-2	Applicant for	US only
III-1-4	Name (LAST, First)	MIZUNO, Tetsuo
III-1-5	Address	148 Haven Road Pullenvale, Queensland 4069 Australia
III-1-6	State of nationality	JP
III-1-7	State of residence	AU

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**Supplemental Box**

(To be used when the space in any of Boxes I to VII is not sufficient)

**Continuation of Box No: II**

The specification describes the generation of attenuated bile-sensitive Salmonella strains by exposure to a combination of nalidixic acid and rifampicin. It is not predictable that this teaching would extend to any other species of microorganism. It is not predictable that this teaching would extend to generation of an attenuated strain having sensitivity against microbiostatic agents other than bile. Moreover, it is not predictable that any other microbiostatic agent or combination of such agents would induce a metabolic-drift mutation resulting in an attenuated strain having sensitivity to a further microbiostatic agent. Consequently, claims 1-6, 9-14, 16-19, 29, 31-35, 37-44 are so unclear that no meaningful international search can be carried out on the full scope of those claims.

Furthermore, claims 1-6, 9-14, 16-19, 29, 31-35, 37-44 fail to define the subject matter for which protection is sought in terms of the technical features of the invention (Rule 6.3(a)).

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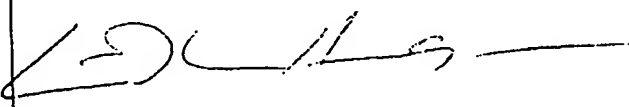
Original (for SUBMISSION)

IV-1	Agent or common representative; or address for correspondence The person identified below is hereby has been appointed to act on behalf of the applicant(s) before the competent International Authorities as:	agent
IV-1-1	Name (LAST, First)	HUGHES, E, John, L
IV-1-2	Address	Davies Collison Cave 1 Nicholson Street Victoria, Melbourne 3000 Australia
IV-1-3	Telephone No.	+61 3 9254 2777
IV-1-4	Facsimile No.	+61 3 9254 2770
IV-1-5	e-mail	mail@davies.com.au
IV-2	Additional agent(s)	additional agent(s) with same address as first named agent
IV-2-1	Name(s)	SLATTERY, John, M; OBRANOVICH, Tania
V	DESIGNATIONS	
V-1	The filing of this request constitutes under Rule 4.9(a), the designation of all Contracting States bound by the PCT on the International filing date, for the grant of every kind of protection available and, where applicable, for the grant of both regional and national patents.	
VI-1	Priority claim of earlier national application	
VI-1-1	Filing date	12 February 2004 (12.02.2004)
VI-1-2	Number	2004900675
VI-1-3	Country	AU
VI-2	Priority claim of earlier national application	
VI-2-1	Filing date	12 February 2004 (12.02.2004)
VI-2-2	Number	2004900679
VI-2-3	Country	AU
VI-3	Priority document request The receiving Office is requested to prepare and transmit to the International Bureau a certified copy of the earlier application(s) identified above as item(s):	VI-1, VI-2
VII-1	International Searching Authority Chosen	Australian Patent Office (ISA/AU)

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VIII: Declarations		Number of declarations	
VIII-1	Declaration as to the identity of the inventor	-	
VIII-2	Declaration as to the applicant's entitlement, as at the international filing date, to apply for and be granted a patent	-	
VIII-3	Declaration as to the applicant's entitlement, as at the international filing date, to claim the priority of the earlier application	-	
VIII-4	Declaration of inventorship (only for the purposes of the designation of the United States of America)	-	
VIII-5	Declaration as to non-prejudicial disclosures or exceptions to lack of novelty	-	
IX: Check list		number of sheets	electronic file(s) attached
IX-1	Request (including declaration sheets)	4	✓
IX-2	Description (excluding sequence listing part)	156	-
IX-3	Claims	6	-
IX-4	Abstract	1	✓
IX-5	Drawings	32	-
IX-7a	Sub-total number of sheets	199	
IX-6a	Sequence listing part of description	3	-
IX-7	TOTAL	202	
IX-8: Accompanying Items		paper document(s) attached	electronic file(s) attached
IX-8	Fee calculation sheet	✓	-
IX-16(A)	Sequence listing in computer readable form		
IX-16(A)-(ii)	additional copies including, where applicable, the copy for the purposes of international search under Rule 13ter	-	1 Diskette
IX-17	PCT-SAFE physical media	-	✓
IX-19	Figure of the drawings which should accompany the abstract		
IX-20	Language of filing of the international application	English	
X-1	Signature of applicant, agent or common representative		
X-1-1	Name (LAST, First)	HUGHES, E, John, L	
X-1-2	Name of signatory		
X-1-3	Capacity		

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Original : for SUBMISSION :

## FOR RECEIVING OFFICE USE ONLY

10-1	Date of actual receipt of the purported international application	
10-2	Drawings:	
10-2-1	Received	
10-2-2	Not received	
10-3	Corrected date of actual receipt due to later but timely received papers or drawings completing the purported international application	
10-4	Date of timely receipt of the required corrections under PCT Article 11(2)	
10-5	International Searching Authority	ISA/AU
10-6	Transmittal of search copy delayed until search fee is paid	

## FOR INTERNATIONAL BUREAU USE ONLY

11-1	Date of receipt of the record copy by the International Bureau	
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